



Policies and Procedures
POLICY: Information Subject to Special Protection
Policy #7
Effective Date: April 2, 2014

Purpose: This policy describes the handling of Specially Protected Health Information. Specially Protected Health Information may not be disclosed to or through the ILHIE without written Individual consent for disclosure that complies with Applicable Law. The policy also describes the categories of Specially Protected Health Information that must be disclosed through some means other than ILHIE Connect.

The ILHIE Authority is committed to protecting and respecting the privacy of Individual's Protected Health Information, and especially Specially Protected Health Information that may be particularly sensitive.

Policy:

1.0 Individual Consent for Disclosure of Specially Protected Health Information.

Federal and Illinois laws protect against the disclosure of certain categories of Protected Health Information that may be considered particularly private or sensitive to an Individual, unless the Individual consents to the disclosure. An Individual's Specially Protected Health Information may not be disclosed through the ILHIE unless the disclosure is consistent with these Policies and Procedures, in particular the Patient Choice and Meaningful Disclosure Policy (Policy #6), the Data Sharing Agreement, and Applicable Law.

- 1.1** Participants may not disclose to or through ILHIE Connect any Specially Protected Health Information for which the Participant does not have the appropriate Individual consent to disclose.
- 1.2** Participants shall not disclose through ILHIE Connect any Protected Health Information, including Specially Protected Health Information, protected by 42 C.F.R Part 2.
- 1.3** Any good or service for which an Individual has paid out-of pocket in full, and for which the Individual has requested the Participant to restrict the disclosure of said goods and services to a Health Plan, shall be honored by the Participant.
- 1.4** The ILHIE Authority shall give annual consideration to technological advances that may support granular level data segmentation that increases Individual control over the further disclosure by the ILHIE or another health information exchange to third parties of selected portions of the Individual's record while permitting disclosures of the Individual's remaining Protected Health Information.
- 1.5** Any Participant who becomes aware that it has received unauthorized Protected Health Information, including Specially Protected Health Information, through the ILHIE shall immediately notify the ILHIE Authority and must return or destroy such unauthorized information.

2.0 Compliance. Participants shall comply with these Policies and Procedures. The ILHIE Authority will monitor and enforce compliance with and adherence to these Policies and Procedures.

2.1 Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

Associated Policies and References:

42 C.F.R Part 2

45 C.F.R §164.522

740 ILCS 14/9.6

Access, Use and Disclosure of Protected Health Information

Enforcement

Patient Choice and Meaningful Disclosure

Sanctions

Definitions

Applicable Law

Health Plan

ILHIE Authority

Individual

Participant

Protected Health Information

Specially Protected Health Information